

## REMARKS

### **1. Status of the Claims**

New claims 99-109, claims 50-53, 58, and 59 as filed and claims 49, and 54-57 as amended are pending.

Claims 1-48 and 60-98 have been canceled as being directed towards non-elected subject matter. Claims 1-48 and 60-98 have been canceled without prejudice to their assertion in a continuing application.

Typographical errors in claims 54-57 have been corrected.

New claim 99 depends from claim 49 and encompasses compounds wherein  $R_c$  is an optionally substituted cycloalkyl group. Support for this claim can be found throughout the application as filed, and in tables 2, 3 and 4.

New claim 100 is an independent method of treatment claim that corresponds to original claim 49, but it covers treating "Mild Cognitive Impairment, Down's Syndrome, or Hereditary Cerebral Hemorrhage with Amyloidosis of the Dutch Type." As suggested in the office action, it does not cover Alzheimer's disease.

New claims 101-108 depend from claim 100 and mirror original claims 50-57.

New claim 109 depends from claim 100 and encompasses specific compounds disclosed on pages 114-116 of the application as filed.

No new matter was added.

## **2. Non-statutory Double Patenting Rejection**

Claims 49-58 stand rejected under the judicially created doctrine of double patenting in view of claims 12 and 13 of U.S. Patent number 6,727,420. Applicants believe the rejection should have been based on 6,737,420 (hereinafter the "'420 patent"), and have acted accordingly. If applicants are mistaken, they respectfully request that the Office clarify the rejection.

In response, the applicants have amended the definition of the variable  $R_c$  in claim 49 by requiring it to be an optionally substituted cycloalkyl group. Any potential overlap between claims 49-58 and those of the '420 patent have been obviated. Allowance of claims 49-58 would not improperly extend the "right to exclude" already granted in the '420 patent. Consequently, the applicants respectfully request that the non-statutory double patenting rejection be withdrawn.

## **3. Rejection Under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph**


Claims 49-58 stand rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph for allegedly failing to teach that medical disorders can be prevented. While applicants respectfully disagree, in order to expedite allowance of the application and its passage to issue, they have amended claim 49 by removing the phrase "or preventing." Therefore, the applicants respectfully request that the rejection under 35 U.S.C. §112, 1<sup>st</sup> paragraph be withdrawn.

#### CONCLUSION

Applicants respectfully contend that all requirements of patentability have been met. Allowance of the claims and passage of the case to issue are therefore respectfully solicited.

Should the Examiner believe a discussion of this matter would be helpful, he is invited to telephone the undersigned at (312) 913-2114.

Respectfully submitted,

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